

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)
)
Advanced Television Systems and) MM Docket 87-268
Their Impact upon the Existing)
Television Broadcast Service)

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To: The Commission

**COMMENTS OF APCO
IN RESPONSE TO FOURTH FURTHER
NOTICE OF PROPOSED RULEMAKING AND
THIRD NOTICE OF INQUIRY**

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following comments in response to the Commission's Fourth Further Notice of Proposed Rulemaking and Third Notice of Inquiry in the above-captioned proceeding, FCC 95-315 (released August 9, 1995).

APCO is the nation's oldest and largest public safety communications organization, with over 12,000 worldwide members involved in the management and operation of police, fire, emergency medical, forestry-conservation, highway maintenance, disaster relief, and other public safety communications facilities. APCO is the FCC-certified frequency coordinator for the Part 90 Police and Local Government land mobile radio services, and for all Part 90 Public Safety Pool channels.

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The Commission plans to allot a second 6 MHz channel to each current television broadcasting station on a temporary basis to facilitate the industry-wide conversion to Advanced Television service ("ATV"). Once that conversion is complete, one of the two channels will be returned to the Commission. Thereafter, the Commission will be able to reallocate huge blocks of UHF and/or VHF radio spectrum to other services.

APCO supports the Commission's proposal to the extent that it leads to a rapid release of spectrum. As discussed below, APCO and others believe that a portion of the television spectrum to be returned should be reallocated for public safety land mobile operations. Such a reallocation would substantially improve the communications capability of state and local law enforcement and other agencies that protect the safety of life and property. Thus, the return of television spectrum to the Commission must proceed, and must proceed as quickly as possible.

APCO believes that there must be a firm date to complete the conversion to ATV. Otherwise, there will be little incentive for broadcasters, television manufacturers and the general public to move forward in an expeditious manner. The broadcasting industry has already been "sitting on" excess radio spectrum for far too many years. That must come to an end to permit the spectrum to be reallocated for the highest and best use.

Police, fire, emergency medical and other public safety agencies throughout the nation are facing a critical need for additional radio spectrum, both for current voice and data applications and for new public safety communications technologies. Increasing crime rates, growing population density, natural disasters, and other threats to public safety are placing greater and greater demands on already overburdened communications systems. In nearly every major metropolitan area, all available public safety radio frequencies are fully licensed and occupied. At the same time, new wideband public safety communications technologies are being developed that will require greatly expanded channel capacity. These include systems to transmit high resolution images of fingerprints, mugshots, building diagrams, and even video.

Recognizing these spectrum shortages, and in response to congressional concerns, the FCC and the NTIA have created the Public Safety Wireless Advisory Committee.^{1/} The Committee is currently attempting to define the amount of spectrum that will be needed for future public safety needs, and is identifying areas of the radio spectrum where those needs might be met. Among the frequency bands being

^{1/} The Committee is led by a Steering Committee that includes FBI Director Louis Freeh, New York City Police Commissioner William Bratton, Los Angeles County Fire Chief Michael Freeman, Undersecretary of Treasury Ronald Noble, former APCO President Steven Proctor, International Association of Chiefs of Police Communications Committee Chair Harlin McEwen, and Alan Bersin, United States Attorney for the Southern District of California.

examined are the UHF and VHF television bands at issue in this proceeding.

Concurrent with the Committee's efforts, NTIA has recently published a report identifying the VHF television spectrum as an ideal location for additional land mobile radio operations.^{2/} Of particular interest are VHF channels 7 to 13, which occupy the 174-216 MHz band. This band is adjacent to current Federal and non-Federal land mobile spectrum in the 138-174 MHz band (which includes extensive public safety operations) and 220-222 MHz bands. Thus, NTIA determined that VHF channels 7 to 13 would be "ideal for land mobile use and, together with the surrounding land mobile spectrum, could make for a large and virtually contiguous band for land mobile operations."

Should the Commission require that some broadcasters return UHF channels instead, those too could be extremely valuable for public safety communications systems. The 450-470 MHz band immediately below the UHF television band is a major source of land mobile frequencies for public safety agencies. Moreover, television channels 14-20 (470-512 MHz) are already used by public safety agencies in 11 major metropolitan areas pursuant to Part 90, Subpart L, of the Commission's rules,^{3/} without causing interference to VHF

^{2/} U.S. Department of Commerce, "Land Mobile Spectrum Planning Options," NTIA Special Publication 95-34 (October 1995), pages 3-8 to 3-9.

^{3/} Indeed, some of the nation's largest law enforcement agencies maintain communications systems in the 470-512 MHz
(continued...)

television stations. Release of additional 470-512 MHz frequencies would alleviate spectrum congestion in those and other metropolitan areas. Similarly, the upper end of the UHF television band is immediately adjacent to the 800 MHz bands that are heavily used by public safety and other land mobile systems.

CONCLUSION

The radio spectrum is extremely valuable, but not just in terms of potential auction revenue or as a source of profits for telecommunications companies. The radio spectrum also provides critical life saving communications capability to core governmental activities, such as law enforcement, fire suppression, emergency medical, and disaster relief operations. No dollar amount can be placed on the value to society of these activities. It is up to the FCC, therefore, to ensure that state and local governments will continue to have access to the radio spectrum they need. Indeed, that must be the Commission's first and foremost priority in its spectrum allocation and

^{3/}(...continued)

band. These include the New York City Police Department, the Los Angeles County Sheriff's Department, and the Los Angeles Police Department.

management decisions. A partial reallocation of the television spectrum, as proposed in this proceeding, is one step toward meeting that obligation.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

By:

A handwritten signature in cursive script, appearing to read "Ronnie Rand".

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